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6 **UNITED STATES DISTRICT COURT FOR THE**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT TACOMA**

9 DANNY L. SIMPKINS, a/k/a DANNY L. )  
10 OLMSTEAD )

11 *Plaintiffs,* )

12 v. )

13 CHARLES L. RYAN AND )  
14 ATTORNEY GENERAL OF THE STATE )  
15 OF WASHINGTON )

*Respondents.* )

CASE NO. 15cv5466 BJR-KLS

**ORDER ADOPTING REPORT &  
RECOMMENDATION**

16 The Court, having reviewed the petition for writ of habeas corpus, the response, the  
17 Report and Recommendation of Magistrate Judge Karen L. Strombom, and the remaining record,  
does hereby find and ORDER:

- 18 (1) The Court adopts the Report and Recommendation;
- 19 (2) The petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.  
20 A certificate of appealability is **DENIED**.
- 21 (3) The Clerk is directed to send copies of this Order to Petitioner, counsel for  
22 Respondents and to the Hon. Karen L. Strombom.

23 **SO ORDERED.**

24 September 1, 2015

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BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE